

REMARKS

Huang discloses a notebook computer having a base unit that allows direct visibility of the rotating device." Paragraphs 8, 9, 16. The intent of this design is "to assure whether the rotating device is under normal operation or not." In other words, *Huang* allows a user to detect whether the parts are moving or not—there is no other diagnostic suggested or described to further analyze "normal operation." Paragraph 17. Accordingly, one skilled in the art would not modify *Huang* to include any other features since there is no motivation to do so. Moreover, *Huang* only uses the word "transparent" to describe the window through which the rotating device is viewed. Paragraphs 8, 9, 14-16, and Abstract. Clearly, the best way to satisfy *Huang*'s objectives is to make the window transparent. Anything less than a transparent window would reduce the effectiveness of *Huang*'s design and the ability of one to view the moving parts.

Furthermore, "transparent" is the only word used to describe the cover. *Huang* does not teach or suggest to one skilled in the art to substitute another word, such as "translucent," for the term transparent. A Google search for "define: transparent" revealed the following definitions: "able to see through with clarity," "clear," and, "easily seen through." However, a Google search for "define: translucent" gave the following definitions: "allowing light to pass through, but not transparent" and, "allowing some light to pass through; objects seen through translucent material are diffused or indistinct." Clearly, these two words are not interchangeable and they have entirely different properties—the later of which would reduce or defeat the purpose of *Huang*.

The distinction between "transparent" and "translucent" is important because of the Examiner's reliance on the other cited prior art reference, *Miyashita*. A complete English translation of *Miyashita* is attached for the Examiner's reference. The object of *Miyashita* is to make a label on a disk readable while the disk is rotating at high speed. The label contains "characters or an abbreviation representing the characteristics of the stored signals." Claim 3,

paragraphs 1, 2, 6. The details that appear on the label must be stationary so that it can be properly read and understood. The only way to read the label while it is rotating is to "freeze" it or make it appear to be stationary with no movement. *Miyashita* specifically uses the term "synchronization" (paragraph 9), and it detects the actual number of revolutions of disk to emit light "in accordance with the number of revolutions of the optical disk." Claim 1, paragraph 4. Thus, *Miyashita* clearly intends to make the label appear stationary—not in motion. Consequently, *Miyashita* teaches away from "giving an appearance of movement," and it provides no support to the Examiner's argument to make the cover "translucent" since that property would obscure the text on the label, making the label more difficult to read.

In further support of this point, Applicant notes the Federal Circuit very recently rejected an argument that "transparent" and "translucent" could be synonyms. See attachment citing *Terlep v. Brinkmann Corp.*, Fed. Cir., No. 04-1337, August 16, 2005.

Furthermore, because *Huang* must show movement, and *Miyashita* must be stationary (to read the label on the disk), these two references are completely incompatible and, thus, cannot be joined to form a § 103 rejection. The reasoning is simple: one skilled in the art would not add the strobe of *Miyashita* to "freeze" movement of the disk in *Huang* since *Huang's* only objective is to show movement. The strobe would only make it much more difficult to detect movement, thereby defeating *Huang's* purpose. Thus, this combination of references is effectively disqualified.

Notwithstanding the foregoing argument, Applicant has amended the claims to draw upon these distinctions and overcome the present rejections cited by the Examiner. Claim 1 now requires the cover to be "translucent but not transparent." This distinction alone is sufficient to overcome the present rejection. The Examiner cites *Huang* only for transparency, and *Miyashita* relies on transparency to read the label on its disk. Mere translucency would obscure the label

and make it difficult if not impossible to read, which would entirely defeat the objective of *Miyashita*. Claim 1 also requires "observation of at least some movement inside the housing of the disk and the actuator through the cover during operation of the disk drive." In contrast, *Miyashita* has a "stationary" disk and teaches away from movement because any movement would make it difficult to read the label. Claim 1 is non-obvious in light of the disqualified combination of references and is now in condition for allowance.

Dependent Claims 2-5 and 8-17 are allowable for the same reasons as Claim 1 in addition to their own unique features. For example, Claim 8 states that "the cover is tinted with a color." Since *Huang* only uses the term "transparent" and *Miyashita* teaches clear, stationary perception of a rotating disk label, one skilled in the art would not substitute any properties that would defeat these teachings. Adding color would only make it more difficult to read the label or detect motion. Similarly, Claim 11 adds that "a portion of the cover is structurally reinforced with materials that are opaque." Such a feature would also interfere with the reading of a disk label and detection of motion.

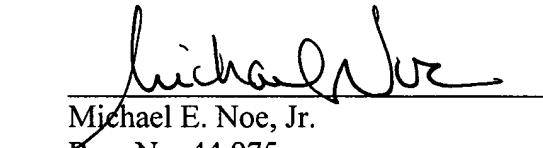
Claim 15 adds "decorations on at least one of the disk, the hub, and the actuator, wherein the decorations cause appearance of color, and change and movement of color depending on an angle of observation to additionally contribute to an appearance of the hard disk drive." The presence of any extraneous features, such as those described for Claims 16 and 17, would also interfere with the reading of the disk label. These claims overcome the prior art and are allowable.

New independent Claim 18 requires many of the foregoing elements, including those of Claim 15. Claim 18 also requires the decorations to be on each of the disk, the hub, and the actuator. Again, the cited references cannot be combined because of their contradictory

teachings and, even if they are combined, such features would only interfere with the intent of *Miyashita*.

It is respectfully submitted that the claims are in condition for allowance and favorable action is requested. No fee for an extension of time or other fees are believed to be required. However, in the event that one or more fees are required, please charge them to **Hitachi Global Storage Technologies' Deposit Account Number 50-2587**.

Respectfully submitted,



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